(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 409 OF 2004 &
MISCELLANEOUS CIVIL APPLICATION NO. 925 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Petitioner in person.

Mr. A.N.S. Nadkarni, Advocate General with Mr. S. Malyenkar, Addl.Govt. Advocate for respondent nos.1 to 3.

CORAM : B. H. MARLAPALLE &
N. A. BRITTO, JJ.

DATE : 20th December, 2004.

P.C.:

Heard Mr. Atchut Govind Hegde Desai, the party in person who has moved this petition in public interest. Mr. Nadkarni, learned Advocate General has placed before us a copy of the Memorandum dated 9th December, 2004 issued by the Director of Education. It appears that on issuance of show cause notice dated 15th September,2004, the Management of Holy Cross Institute at Quepem, which had started the additional class of Std.I, has already closed the said

class realizing that it was not permitted to do so, unless it had obtained permission from the State Government. The Memorandum further discloses that the students who were admitted in the Ist Std. have already been shifted to the nearby Government School, so that they do not suffer. The society has been warned of serious action including, initiation of criminal proceedings under Section 23 (3) of the Goa School Education Act, 1984, in case it indulges in such act in future.

2. In view of this Memorandum dated 9th December, 2004, nothing further remains in the petition. However, Mr. Atchut Hedge Dessai alleges that the Chairman of the Managing Committee of Holy Cross Institute is the present Director of Higher Education and such a senior Government functionary ought to have known the provisions of the Act and the requirements to be followed before any new classes are opened in

a private school. This is an issue which will have to be taken up by the State Government so that the Government officers do not associate with such institutes in future. Petition disposed of as infructuous.

3. Misc. Civil Application No. 925 of 2004 does not survive and it is made clear that the disposal of the application will not come in the way of the applicants to exercise their independent legal rights in appropriate proceedings.

B. H. MARLAPALLE, J.

N. A. BRITTO, J.

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